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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 JOSEPH L. MIZZONI,
8 Plaintiff,
9 v.
10 ATWOOD et al.,
11 Defendants.
12

3:15-cv-103-RCJ-VPC

ORDER

13 || I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1-1, 1-2, 1-3, 1-4, 5). The matter of the filing fee shall be temporarily deferred.

18 The Court dismisses Plaintiff's complaint in its entirety, without prejudice, with leave to
19 amend. It appears that Plaintiff is attempting to merge several complaints filed previously in
20 state court into one complaint in federal court. Plaintiff annotates his state court complaints
21 and states who is dismissed and who he wants to proceed against. (See ECF No. 1-1 at 2,
22 ECF No. 1-2 at 47, ECF No. 1-3 at 28, ECF No. 1-4 at 30). The Court will not piecemeal
23 Plaintiff's state court complaints together to determine which defendants and which claims
24 Plaintiff wants to proceed on in this action. Plaintiff must file one comprehensive complaint
25 which contains all claims, defendants, and factual allegations that Plaintiff wishes to pursue
26 in this lawsuit.

27 Plaintiff is granted leave to file an amended complaint to cure the deficiencies of the
28 complaint. If Plaintiff chooses to file an amended complaint he is advised that an amended
complaint supersedes the original complaint and, thus, the amended complaint must be

1 complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542,
2 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint
3 is irrelevant; an amended pleading supersedes the original”); see also *Lacey v. Maricopa
4 Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a
5 plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve
6 them for appeal). Plaintiff’s amended complaint must contain all claims, defendants, and
7 factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file
8 the amended complaint on this Court’s approved prisoner civil rights form and it must be
9 entitled “First Amended Complaint.”

10 The Court notes that if Plaintiff chooses to file an amended complaint curing the
11 deficiencies of his complaint, as outlined in this order, Plaintiff shall file the amended complaint
12 within 30 days from the date of entry of this order. If Plaintiff chooses not to file an amended
13 complaint, the Court shall dismiss the case without prejudice.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that a decision on the application to
16 proceed *in forma pauperis* (ECF No. 5) is deferred.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall file the complaint (ECF No.
18 1-1, 1-2, 1-3, 1-4).

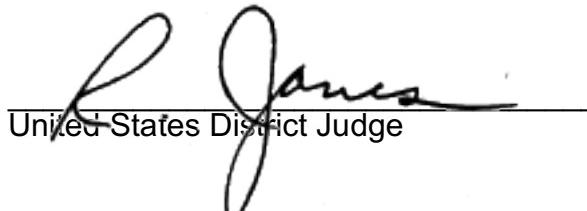
19 IT IS FURTHER ORDERED that the complaint is dismissed in its entirety, without
20 prejudice, with leave to amend.

21 IT IS FURTHER ORDERED that if Plaintiff chooses to file an amended complaint curing
22 the deficiencies of his complaint, as outlined in this order, Plaintiff shall file the amended
23 complaint within 30 days from the date of entry of this order.

24 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
25 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
26 original complaint (ECF No. 1-1, 1-2, 1-3, 1-4). If Plaintiff chooses to file an amended
27 complaint, he must use the approved form and he shall write the words “First Amended” above
28 the words “Civil Rights Complaint” in the caption.

1 IT IS FURTHER ORDERED that if Plaintiff fails to file an amended complaint curing the
2 deficiencies outlined in this order, this action shall be dismissed without prejudice.
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4 Dated this 16th day of June, 2015.

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6 United States District Judge
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